

FORM SUMMARY

Name of Form: Summons and Complaint - Small Claims

Form Number: SC-500

Statutory Reference: Ch 799, Wisconsin Statutes

Purpose of Form: Initiates a small claims action.

Who Completes It: Plaintiff

Distribution of Form: Original to clerk; copies to parties.

Accompanying Forms: Generally none unless plaintiff adds additional documentation for claim

New Form/Modification: Modification; last revision 05/00.

Modifications: Added lines in caption section. Corrected typo of word “appropriate” in #1 of plaintiff’s demand.

Previous modifications: Added ADA information box. Added check box in title for amended form. In brief statement of facts section, added wording, “If this is an eviction action and you are seeking money damages, you must also state that claim on this form.” Changed notarization signature caption to notary public/court official. Made other minor formatting and wording changes.

Comment: Section 799.22(4), Wisconsin Statutes, allows local courts to adopt a rule for appearances by telephone. Because RMC has no control over which counties may adopt such rules, nor what the specific rules might require, no reference has been made on this form to allow for telephone appearances. If a particular county has such a rule, however, that county should create an attachment to this Summons and Complaint explaining the rule and the requirements.

Questions have arisen whether the complaint must be verified. Although not required to commence the action, a verified complaint allows the court to enter a default judgment without any further action or proceeding. If the complaint is not verified, upon a default the court would have to hear testimony under oath or receive affidavits to support the claim before a judgment can be entered. Providing the opportunity to verify the complaint at the time of filing expedites the process.

About this form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.